

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

2008 MAR 28 A 10: 01

**UNITED STATES OF AMERICA**

**vs.**

**CHRISTOPHER KENDELL RUSH**

DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

**CR. NO. 2:07CR178-WKW**

**MOTION TO WITHDRAW AS COUNSEL, REQUEST FOR EXTENSION OF TIME TO  
OBJECT TO PRE SENTENCE REPORT, AND REQUEST FOR CONTINUANCE OF  
SENTENCING**

**COMES NOW** , Roianne Houlton Conner, Appointed Attorney of Record for the defendant CHRISTOPHER KENDELL RUSH, and moves this Honorable Court to allow her to withdraw as counsel for the defendant, requests extension of time to object to the pre-sentence report, and requests continuance of sentencing and as grounds thereof states the following:

1. That on February 4, 2008 – February 5-2008, the Defendant did stand trial before the Honorable Keith Watkins; and
2. That on February 5, 2008 the case was given to the jury to begin deliberation; and
3. That after deliberating, the jury returned reporting to be a hung jury, at which point his Honor tendered the *Allen* charges; and
4. That after the *Allen* charges were tendered the jury deliberated again and only then did they return a verdict of guilty; and
5. That counsel for the Defendant did go and visit with the Defendant at the Autauga County Jail, to review the Pre Sentence Report and deliver any objections the Defendant might have

regarding the Report to the Federal Probation Officer; and

6. That during the visit, the Defendant claimed that the undersigned counsel failed to bring to the jury's attention certain things he felt was important and that showed incompetence on the part of the undersigned counsel; and

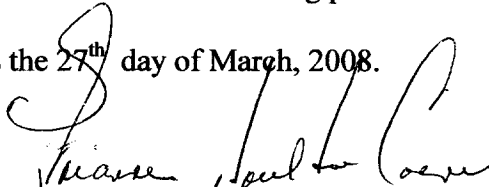
7. That during the visit, the Defendant also claimed that because of this inaction by counsel, he was deprived of his sixth amendment right to competent counsel; and

8. That due to the request for withdrawal, extra time is needed for the Defendant to object to the Pre Sentence Report; and

9. Due to the withdrawal request, and extra time requested for objection to the Pre Sentence Report, a continuance is needed for Sentencing.

WHEREFORE the above premises considered, Counsel for the Defendant requests that she be allowed to withdraw from representation of the Defendant, that this Honorable Court extend the time allowed to make objections to the Pre Sentence Report, and that this Honorable Court continue sentencing, due to the comments from the Defendant Regarding counsel's competence and his belief that his Sixth Amendment rights were not and are not being protected.

Respectfully submitted this the 27<sup>th</sup> day of March, 2008.

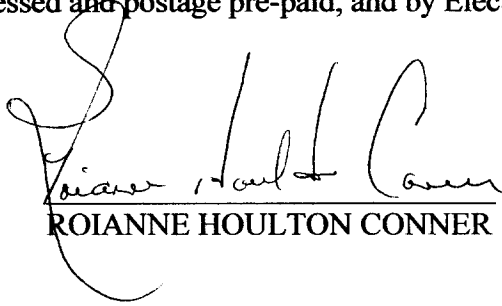


ROIANNE HOULTON CONNER  
ATTORNEY FOR DEFENDANT

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing motion were served upon the Assistant United States Attorney, Post Office Box 197, Montgomery, AL 36104, by placing a copy of the same in the United States Mail, properly addressed and postage pre-paid, and by Electronic Notice, on this the 26<sup>th</sup> day of March, 2008.



ROIANNE HOULTON CONNER